



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 29, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-126 Eastburn v. Regional Fire Protection Authority, S107792. (E029463; 98 Cal.App.4th 426.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issues: (1) What duty of care, if any, is owed by a 911 emergency dispatcher to the public? (2) Does the qualified immunity accorded “emergency rescue personnel” by Health and Safety Code section 1799.107 apply to 911 emergency dispatch services?

#02-127 In re Emiliano M., S107904. (G027919; 99 Cal.App.4th 304.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order in a wardship proceeding. This case presents the following issue: Can an order in a wardship proceeding be changed or modified under Welfare and Institutions Code section 777, as amended by the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)), on the basis of a violation of probation involving conduct amounting to a new criminal offense?

#02-128 Ticket Track California, Inc. v. Department of Motor Vehicles, S107271. (C037282; 97 Cal.App.4th 1251.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a proceeding for writ of administrative

mandate. This case presents the following issue: Does an attorney “represent his or her client in a criminal or civil action which directly involves the use of the motor vehicle,” entitling the attorney to confidential home addresses from the Department of Motor Vehicles under Vehicle Code section 1808.22, subdivision (c), if the information is sought in order to send out bill collection letters for a client that is engaged in the business of collecting late parking fees?

#02-129 People v. DeLeon, S107720. (H021985; unpublished opinion.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#02-130 People v. Hollis, S107783. (F037882; unpublished opinion.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in DeLeon and Hollis deferred pending decision in People v. Sanders, S094088 (#01-21), which presents the following issues: (1) Should this court reconsider the holding in In re Tyrell J. (1994) 8 Cal.4th 68, 74, that the otherwise illegal search of a minor who is subject to a probation search condition is “not unconstitutional despite the officer’s ignorance of the search condition”? (2) If the court’s holding in In re Tyrell J. remains viable, should that holding apply to adult parolees who are subject to search conditions? (3) Under People v. Robles (2000) 23 Cal.4th 789, does the admissibility of the fruits of the search in the present case differ as to a defendant who was not subject to a search condition as compared to a defendant who was?

#02-131 People v. Fryman, S107283. (H020743; 97 Cal.App.4th 1315.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Floyd, S105225 (#02-70), which includes the following issues: (1) Does the Substance Abuse and Crime Prevention Act of 2000 (Prop. 36, General Elec. (Nov. 7, 2000)), which requires probation and drug treatment rather than incarceration for defendants convicted of specified non-violent drug offenses, apply to defendants who were convicted and sentenced prior to the Act’s effective date of July 1,

2001, but whose convictions were pending on appeal when the Act became effective, or only to defendants convicted or sentenced on or after July 1, 2001? (2) If the latter, does limiting the application of Proposition 36 in this fashion deny a defendant whose conviction was pending on appeal on that date the constitutional right to equal protection of the law?

#02-132 Scottsdale Ins. Co. v. MV Transportation, S107641. (B150991; unpublished opinion.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. The court ordered briefing deferred pending decision in Hameid v. National Fire Ins. of Hartford, S104157 (#02-62), which includes the following issue: Does an insurer have a duty, under the “advertising injury” coverage of a comprehensive general liability insurance policy, to defend its insured against an action alleging that the insured engaged in unfair competition by obtaining a competitor’s customer list and customer preference information and then soliciting those customers?

STATUS

#02-89 Barnes v. Superior Court, S105771. The opinion of the Court of Appeal, originally printed at 96 Cal.App.4th 631, was ordered republished.

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